

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 397

Introduced by Senator Escutia
(Coauthors: Senators Kuehl and Vincent)
(Coauthor: Assembly Member Pavley)

February 17, 2005

An act to add Section 11174.11 to the Penal Code, relating to elder death.

LEGISLATIVE COUNSEL'S DIGEST

SB 397, as amended, Escutia. Elder death review teams.

Existing law authorizes counties to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in elder abuse or neglect cases.

This bill would require every *skilled* nursing facility *and residential care facility* within a county that has a county elder death review team to notify, as specified, the chair or chair designee of the team via fax or e-mail whenever there is a death of an elderly resident at the nursing facility. ~~A violation of this requirement would be an infraction. By creating a new crime, this bill would impose a state-mandated local program upon local governments.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

SECTION 1. Section 11174.11 is added to the Penal Code, to read:

11174.11. (a) Every ~~nursing facility~~ *skilled nursing facility, as defined in subdivision (c) of Section 1250 of the Health and Safety Code, and residential care facility, as defined in subdivision (j) of Section 1568.01 of the Health and Safety Code,* within a county that has a county elder death review team shall notify the chair or chair designee of the team via fax or e-mail whenever there is a death of an elderly resident of the ~~nursing facility~~.

(b) The notification shall be made as soon as possible, but no later than 24 hours, after the death of the resident.

(c) The notification shall ~~include the name of the resident, time of death, and location where the death occurred.~~

(d) ~~A violation of this section is an infraction punishable by a fine not exceeding one thousand dollars (\$1,000).~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~ *be made on a form created by the elder death review team, and shall include the resident's name, gender, and date of birth, and the date and location of the resident's death.*

(d) *The State Department of Health Services and the State Department of Social Services shall monitor compliance with this section*